

# CHAPTER 13

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## **CHAPTER THIRTEEN LAW ENFORCEMENT**

### **ARTICLE I. IN GENERAL**

#### **Sec. 13-1. Permit to solicit on county property.**

No person, county employee or group of employees shall solicit funds or sell things of value to persons on county property without first obtaining a written permit from the executive committee pursuant to rules established by the committee. This section does not apply to internal departmental solicitations such as farewell gifts, length of service gifts, or donations for employee social gatherings.  
(Ord. No. 144-42, § 1, 6-20-89)

#### **Secs. 13-2 - 13-100. Reserved.**

### **ARTICLE II. OFFENSE CODE**

#### **Division 1. Generally**

#### **Sec. 13-101. Enforcement.**

(a) The county authorizes the use of a citation to be issued for violations of county ordinances, including ordinances for which a statutory counterpart exists.

(b) Citations issued pursuant to this section shall conform to the requirements of section 66.0113, Wisconsin Statutes, and shall contain all information required by that statute, as it is from time to time amended.

(c) It shall be the duty of the county sheriff's department and the district attorney of the county to enforce the provisions of this article.

Additionally, the director of the parks and land use department is authorized to issue citations for violations of provisions of the County Code Chapter 14 which occur in the parks of the county, including Eble Ice Arena, Waukesha County Exposition Center, and the Retzer Nature Center.

(d) The director of the parks and land use department may delegate to employees employed as park rangers and park ranger coordinator the ability to issue citations authorized by this section.

(Ord. No. 147-151, § 3, 3-23-93)

**Editor's note** - Ordinance No. 147-151, adopted March 23, 1993, repealed § 13-101, which pertained to enforcement and

derived from Ordinance No. 144-42, § 1, adopted June 20, 1989.

**Sec. 13-102. State offenses adopted.**

(a) For the purpose of this section, the definitions of words and phrases contained in chapters 340, 341, 939 to 947, 961, and section 990.01 of the Wisconsin Statutes are hereby adopted and by reference made a part hereof with the same force and effect as if fully set forth herein.

(b) In the following enumerated sections and subsections of the Wisconsin Statutes and Administrative Code in this section:

1. Whenever the word "crime" is used, it shall be taken to mean "offense;
2. Whenever the phrase "criminal intent" is used, it shall be taken to mean "intent."

(c) The statutory and administrative code provisions describing, defining and prohibiting conduct in the following enumerated sections and subsections of the Wisconsin Statutes and Administrative Code and cross references contained therein to other sections and subsections of the Wisconsin Statutes, and Administrative Code exclusive of any provisions thereof relating to the penalties to be imposed or the punishment for violation of such statutes, are hereby adopted and by reference made a part of this section with the same force and effect as if fully set forth herein. Any acts required to be performed or prohibited by any statute or administrative code incorporated by reference also is required or prohibited by this section. The following specifically enumerated offenses are hereby prohibited in the county, and are incorporated herein by reference, just as though fully set forth herein, but the penalty for violation under this section shall be limited to the forfeiture as hereinafter set forth:

1. 167.10(1): possession, use or distribution of fireworks;
2. 346.935: intoxicants in motor vehicles;
3. 941.35: emergency telephone calls;
4. 943.01: damage to property less than three hundred dollars (\$300.00);
5. 943.13(1m)(a) and (b), and (3): trespass to land;
6. 943.14: trespass to dwelling;
7. 946.41: resisting or obstructing an officer;
8. 947.01: disorderly conduct;
9. 125.09(2): possession of alcohol beverages on school grounds;
10. 943.24: issuance of worthless check;
11. 254.92(2): purchase or possession of tobacco products by persons under 18 prohibited;
12. 943.20: theft;
13. 961.41(3g)(e) possession of marijuana;
14. 961.573.(1) possession of drug paraphernalia;

15. 59.54 (25g) possession of synthetic cannabinoids and analogs which have similar chemical structures and similar physiological effects to synthetic marijuana.

(d) The penalty for violation of subsection (c) shall be limited to the forfeiture as set forth below. The amount of forfeiture shall not exceed the maximum penalty for the offense, including any penalty assessment which would be applicable under section 757.05, Wisconsin Statutes, plus court costs. All references below are to sections or subsections of the Wisconsin Statutes:

1. 167.10(1): possession, use or distribution of fireworks, not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100.00);
2. 346.935: intoxicants in motor vehicles, not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00);
3. 941.35: emergency telephone calls, not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00);
4. 943.01: damage to property of less than three hundred dollars (\$300.00), not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00);
5. 943.13(1m)(a) and (b), and (3): trespass to land, not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00);
6. 943.14: trespass to dwelling, not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00);
7. 946.41: resisting or obstructing an officer, not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00);
8. 947.01: disorderly conduct, not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00);
9. 125.09(2): possession of alcohol beverages on school grounds, not more than two hundred dollars (\$200.00);
10. 943.24(1): issuance of worthless check, not less than \$200.00 nor more than \$500.00;
11. 254.92(2): purchase or possession of tobacco products by underage individuals (a person under the age of 18), not less than \$10 nor more than \$25 plus costs for each offense;
12. 943.20: theft, not less than two hundred dollars (\$200.00) nor more than five hundred (\$500.00);
13. 961.41(3g)(e) possession of marijuana, not more than one thousand (\$1,000.00);
14. 961.573(1) possession of drug paraphernalia, not more than five hundred (\$500.00); and
15. 59.54 (25g) possession of synthetic cannabinoids and analogs, not more than (\$1,000.00).

(e) Any person between the ages of twelve (12) and seventeen (17), inclusive, violating the provisions of this section shall be subject to a forfeiture of not less than ten dollars (\$10.00) or more than twenty-five dollars (\$25.00), plus costs, for each offense or that person shall be referred to the proper authorities as provided in Chapters 48 or 938, Wisconsin Statutes. Any person under the age of twelve (12) shall be referred to the proper authorities as provided in Chapters 48 or 938, Wisconsin Statutes.

(f) Every person convicted of a violation of this section shall, for each offense, be punished by a forfeiture not to exceed that set forth opposite the particular provision in subsection (d), together with the costs of prosecution. In default of payment of such forfeiture and costs, punishment shall be commitment in the county jail until payment of such forfeiture and costs, but not in excess of the terms hereinafter stated:

1. For a forfeiture not exceeding one hundred dollars (\$100.00), commitment not exceeding thirty (30) days;
2. For a forfeiture in excess of one hundred dollars (\$100.00) but not exceeding two hundred dollars (\$200.00), commitment not exceeding sixty (60) days;
3. For a forfeiture in excess of two hundred dollars (\$200.00), commitment not exceeding

ninety (90) days.

(Ord. No. 144-42, § 1, 6-20-89; Ord. No. 151-16, §§ 1 and 2, 6-11-96; Ord. No. 151-17, §§ 1, 2 and 3, 6-11-96; Ord. No. 158-120, §1, 01-13-04; Ord. No. 162-77, §1, 11-27-07; Ord. No. 166-40, 8-23-11)

**Editor's Note:** Statutory reference to §943.13 updated with current statute number in (c) and (d), above. 04/02/12

### **Sec. 13-103. Solicitation.**

Whoever, with intent that an offense be committed, advises another to commit that offense under circumstances which indicate unequivocally that he has such intent, may be subject to a forfeiture not to exceed the maximum provided for the completed offense.

(Ord. No. 144-42, § 1, 6-20-89)

### **Sec. 13-104. Conspiracy.**

Whoever, with intent that an offense be committed, agrees or combines with another for the purpose of committing that offense, if one or more parties to the conspiracy does an act to effect its object, [may be subject to] a forfeiture not to exceed the maximum provided for the completed offense.

(Ord. No. 144-42, § 1, 6-20-89)

### **Sec. 13-105. Attempt.**

(a) Whoever attempts to commit an offense may be subject to a forfeiture not to exceed

one-half the maximum penalty for the completed offense.

(b) An attempt to commit an offense requires that the actor have an intent to perform acts and attain a result, which, if accomplished, would constitute such offense, and that he does acts toward the commission of the offense which demonstrate, under all the circumstances, that he forms intent and would commit the offense but for the intervention of another person or some other extraneous factor.

(Ord. No. 144-42, § 1, 6-20-89)

#### **Sec. 13-106. Disorderly Conduct with a Motor Vehicle.**

(a) Definitions. The following terms are defined for the purpose of this ordinance:

1. *Motor Vehicle, Vehicle, and Highway* shall be defined as the same terms are defined in §340.01, Wis. Stats.
2. *Disorderly Conduct With A Motor Vehicle* means the deliberate operation of a motor vehicle in a manner that is unnecessarily and unreasonably violent, abusive, loud, maneuvered, or accelerated in such a manner so as to disturb, annoy or endanger any person or property in any public or private area in Waukesha County. It includes, but is not limited to the unnecessary and unreasonable spinning of wheels, squealing of tires, accelerating the engine or vehicle or both, raising one or more wheels off the surface, use of the horn, loud playing of radios or audio entertainment, emission of smoke, gases, or other foul odors that are disagreeable, leaving the highway to travel across property to avoid an intersection, official traffic control sign, signal or other device, and deliberately causing the engine to backfire. For the purpose of this definition, the motor vehicle is not required to be moving at the time of commission of the disorderly conduct.

(b) No person shall operate a Motor Vehicle in Waukesha County in such a manner that constitutes Disorderly Conduct with a Motor Vehicle.

(Ord. No. 163-37, §1, 09-23-08)

**Secs. 13-107 - 13-150. Reserved.**

Division 2. Other Offenses Against Public Peace, Order, Etc.

**Sec. 13-151. Penalty.**

(a) This section does not apply to any offense in this division for which another penalty is specified by ordinance, provided that subsection (d) of this section applies to all violations of this division.

(b) Any person over the age of seventeen (17) years violating the provisions of this division shall be subject to a forfeiture of not less than twenty-five dollars (\$25.00) or more than two hundred dollars (\$200.00), plus costs, for each offense. Failure to pay any forfeiture hereunder shall subject any violator over the age of seventeen (17) years to be committed to the county jail until the forfeiture is paid, but not to exceed ninety (90) days.

(c) Any person between the ages of fourteen (14) and seventeen (17) violating the provisions of this division shall be subject to a forfeiture of not less than ten dollars (\$10.00) or more than twenty-five dollars (\$25.00) plus costs for each offense or shall be referred to the proper authorities as provided in Chapters 48 or 938 of the Wisconsin Statutes.

(d) Any person under the age of fourteen (14) violating any of the provisions of this division shall be referred to the proper authorities as provided in Chapters 48 or 938 of the Wisconsin Statutes.

(Ord. No. 144-42, § 1, 6-20-89)

**Sec. 13-152. Loitering of minors.**

It shall be unlawful for any person under the age of seventeen (17) years to congregate, loiter, wander, stroll, stand or play in or upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots, or any public places in the county either on foot or in or upon any conveyance being driven or parked thereon between the hours of 11:00 p.m. and 6:00 a.m. of the following day unless accompanied by his parent, guardian, or other adult person having the care, custody, or control of such minor.

(Ord. No. 144-42, § 1, 6-20-89)

**Sec. 13-153. Juvenile drinking; furnishing alcohol to juveniles, etc.**

Sections 125.07(4)(a), (b) and (bm) of the Wisconsin Statutes defining offenses against the peace and good order of the state are hereby adopted by reference, exclusive of any provisions relating to the penalties to be imposed or the punishment for violation of such statute. The penalty for violations of this section shall be limited to the forfeiture specified in this article. (Ord. No. 144-42, § 1, 6-20-89)

**State law reference** - Authority of county to regulate drinking, etc. by underaged persons, Wis. Stat. § 125.10(2).

**Sec. 13-153.1. Habitual truancy.**

(a) *Prohibition of habitual truancy.* A child is prohibited from being a habitual truant.

(b) *Definitions.* For purposes of this section:

*Acceptable excuse* shall mean an excuse deemed acceptable by the school board for the school district in which the child lives or attends school.

*Habitual truant* shall mean a pupil who is absent from school without an acceptable excuse for either of the following periods of time:

1. Part or all of five (5) or more days out of ten (10) consecutive days on which school is held during a school semester.
2. Part or all of ten (10) or more days on which school is held during a school semester.

(c) *Penalty.* Upon finding that a child is a habitual truant, the court may enter an order making one (1) or more of the following dispositions:

1. Suspension of the child's operating privilege, as defined in section 340.01 (40) of the Wisconsin Statutes, for not less than thirty (30) days or more than ninety (90) days. The court shall immediately take possession of the suspended license and forward it to the Department of Transportation of the State of Wisconsin, together with a notice stating the reason for and duration of the suspension.
2. Order the child to remain at home except during hours in which the child is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a child to leave his or her home if the child is accompanied by a parent or guardian.
3. Order the child to attend an educational program under section 48.345(12) of the Wisconsin Statutes.

(d) *References to statutes.* References to specific statutory sections wherever used in this section shall mean the Wisconsin Statutes of 1985-86, as, from time to time, amended, modified, repealed or otherwise altered by the state legislature.

(e) *Severability.* If any section or part of this section is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this section shall not be affected thereby.

(Ord. No. 144-163, § 1, 12-19-89)



**Editor's note** - Section 1 of Ord. No. 144-163, adopted Dec. 19, 1989, added provisions to Ch. 19, but did not specify a section number; designation as § 13-153.1 was at the editor's discretion.

**Sec. 13-154. Public drinking prohibited.**

No person shall consume or have in his possession open containers of intoxicants of fermented malt beverages, or intoxicating liquor, in or upon any public thoroughfare. The word "thoroughfare" includes any public road, street, alley, highway, freeway, interstate, county trunk highway, or public right-of-way.  
(Ord. No. 144-42, § 1, 6-20-89)

**Sec. 13-155. Littering.**

No person shall discharge any waste materials of any kind including but not limited to gum wrappers, empty beverage containers, candy wrappers, or any such littering materials on any public thoroughfare, in public parks, or on any property where such person does not have specific permission to discharge such materials. The word "thoroughfare" shall include any public road, street, alley, highway, freeway, interstate, county trunk highway, or public right-of-way.  
(Ord. No. 144-42, § 1, 6-20-89)

**Secs. 13-156 - 169. Reserved.**

Division 3.                      Public Assistance and Housing Fraud

**Sec. 13-170. Definitions.**

False representation(s) include failing to report change of income, assets, household members, employment, or other relevant circumstance.  
(Ord. No. 163-52, §1, 10/28/08)

**Sec. 13-171. Fraud with Respect to Low Income Housing.**

(a) Any person who secures or assists in securing dwelling accommodations under Wisconsin Statute 66.1205 by intentionally making false representations in order to receive more than \$1,000 but less than \$25,000 in financial assistance for which the person would not otherwise be entitled is subject to the appropriate penalty set out below.

(b) Any person receiving assistance for dwelling accommodations under s. 66.1205, who has been notified by the authority of the obligation to report an increase in income or assets that would reduce the amount of that assistance and who intentionally fails to notify the authority of the receipt of income or assets is subject to the appropriate penalty set out below.  
(Ord. No. 163-52, §1, 10/28/08)

**Sec. 13-172. Fraud with Respect to Public Assistance.**

Any person who, with intent to secure public assistance under this chapter, whether for himself or herself or for some other person, willfully makes any false representations is subject to the penalty set out below.

(Ord. No. 163-52, §1, 10/28/08)

**Sec. 13-173. Penalty.**

Any person violating the provisions of this division shall be subject to a forfeiture of not less than two hundred dollars (\$200.00), plus costs, for the first offense and not more than five hundred dollars (\$500.00), plus costs, for the second and subsequent offenses. Failure to pay any forfeiture hereunder shall subject any violator to be committed to the county jail until the forfeiture is paid, but not to exceed ninety (90) days.

(Ord. No. 163-52, §1, 10/28/08)